

108TH CONGRESS  
1ST SESSION

# H. R. 2609

To amend title 11, United States Code, to provide for the avoidance of certain transfers, and the alternate prosecution of certain actions, relating to certain retirement benefits.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 26, 2003

Mr. CONYERS introduced the following bill; which was referred to the  
Committee on the Judiciary

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## A BILL

To amend title 11, United States Code, to provide for the avoidance of certain transfers, and the alternate prosecution of certain actions, relating to certain retirement benefits.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Equal Treatment of  
5       Pensions and Bankruptcy Act of 2003”.

1 **SECTION 2. AVOIDANCE OF CERTAIN TRANSFERS; ALTER-**  
2 **NATE PROSECUTION OF ACTION.**

3 Section 547 of title 11, United States Code, is  
4 amended by adding at the end the following:

5 “(h) Notwithstanding subsections (b) and (c), the  
6 trustee may avoid a transfer of a debtor’s interest in prop-  
7 erty to any trust or similar arrangement to fund supple-  
8 mental retirement benefits or other deferred compensation  
9 for the benefit of an insider or other management em-  
10 ployee made on or within one year before the date of the  
11 filing of the petition.

12 “(i) If the trustee consents or fails to commence a  
13 proceeding authorized under section 506, 543, 544, 545,  
14 547, 548, 549, 550, 552, 553, or 724, on request of a  
15 party in interest or a committee of creditors appointed  
16 under section 1102 of this title, after notice and a hearing,  
17 the court may authorize such party in interest or com-  
18 mittee of creditors to commence and prosecute such pro-  
19 ceeding if the court finds that commencing and pros-  
20 ecuting such proceeding is in the best interest of the estate  
21 and for the benefit of the estate.”.

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